

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Ong *et al*

Appl. Serial No.: 10/559,595

Filed: November 30, 2005

Title: Novel Methods and Compositions For
Enhanced Transmucosal Delivery of
Peptides and Proteins

Confirmation No.: 2750

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

Atty. Docket: 0501-UTL-0

Reply to Restriction Requirement

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir or Madam:

In response to the Requirement for Restriction mailed 4/28/08, Applicants hereby elect Group 1, claims 9-10 and 27-34, with traverse.

Election of an invention was also required, and the Applicants elect exendin-4, SEQ ID NO: 2, with traverse. Claims 1-10 and 15-34 read on the elected invention.

The claims relate to a composition for transmucosal administration of a bioactive peptide or protein. The specific sequence of the peptide or protein is not relevant to the invention. The Restriction Requirement states that the “peptides were not found to share a significant structural core from which a meaningful coextensive search could be conducted.” However, it is not necessary to search a “structural core.” What is required is to search for a composition containing the constituents recited in the claims. The claims recite a pharmaceutical composition containing, among other ingredients, a “bioactive peptide or protein.” Proper examination of the claim does not require searching for a particular sequence of a bioactive peptide or protein. Rather, it requires searching generically for a pharmaceutical composition containing the elements recited in the claim, including a bioactive peptide or protein, which sequence is not specified by the claim because the composition is applicable to any peptide or protein sequence and its effectiveness is not determined by said sequence.

CERTIFICATE OF TRANSMITTAL UNDER 37 C.F.R. 1.8

I hereby certify that this paper (along with anything referred to as being attached or enclosed) is being electronically filed via EFS-Web at the United States Patent and Trademark Office, on the date shown below.

May 28, 2008
Date of Deposit

Mary Elizabeth Carter
Signature of Person Filing Paper